

INTER-OFFICE COMMUNICATION FROM  
THE OFFICE OF  
CLERK OF THE BOARD OF COUNTY COMMISSIONERS

May 15, 1987

TO: Jan Winters, County Administrator  
Lisa Heasley, County Attorney's Office  
Tom McEaddy, Asst. Co. Attorney  
David Bludworth, State Attorney  
Joy Shearer, Asst. Attorney General  
Jerry Nolan, Sheriff's Office-Admin.  
John Lehner, PZ&B  
Bob Palchanis, Building Division  
Patty Young, 4th Dist. Ct. of Appeals  
Law Library  
County Library (2)  
Pinky Yount, PBC Municipal League, Inc.  
1708 N. Lakeside Drive, Lake Worth, FL 33460  
John B. Dunkle, Clerk  
Solid Waste Authority  
Denise Smyth, Finance

FROM: John W. Dame  
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 87-6

TITLE REFERENCE:

Ordinance amending Sec. 11 of Ord. 84-10, as amended  
Re: Interim six month billing period for special  
assessments & service charges.....

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is May 11, 1987, 4:55 P.M..

JWD:lc

attachment

cc:\* Commissioners, BCC  
Minutes

\* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 820-2959.

## ORDINANCE NO. 87-6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 11 OF ORDINANCE NO. 84-10, AS AMENDED BY ORDINANCE NO. 85-7, AS AMENDED BY ORDINANCE NO. 85-22, AS AMENDED BY ORDINANCE NO. 86-2, BY PROVIDING THAT THERE SHALL BE AN INTERIM SIX (6) MONTH BILLING PERIOD FOR SPECIAL ASSESSMENTS AND SERVICE CHARGES AND FURTHER PROVIDING DATES FOR PAYMENT AND DELINQUENCY; AND PROVIDING FOR REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PENALTIES AND AN EFFECTIVE DATE.

WHEREAS, Palm Beach County and the Palm Beach County Solid Waste Authority have entered into an Interlocal Agreement for billing services for annual collection special assessments and service charges for the unincorporated portions of Palm Beach County, and

WHEREAS, the County billing system under Ordinance No. 84-10 and amendments thereto, is currently on a service year of April 1 through March 31, and

WHEREAS, the Authority's special assessment procedures provided in Sections 8 and 9 of Chapter 86-433, Laws of Florida, require billing of special assessments on a fiscal year of October 1 through September 30, and

WHEREAS, an interim billing for six (6) months will be required to adjust the service year billing period.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

Part I - Section 11, Scope of Special Assessment; Delinquency; Liens; of Ordinance No. 84-10, as amended by Ordinance No. 85-7, as amended by Ordinance No. 85-22, as amended by Ordinance No. 86-2 is hereby amended as follows:

SECTION 11. SCOPE OF SPECIAL ASSESSMENT; DELINQUENCY; LIENS:

The annual special assessment shall be imposed against the owners of all residential units in the benefit units if such residential unit is generating or is capable of generating garbage and waste on the first day of January prior to the fiscal year in which the annual collection special assessment is imposed, regardless of the occupancy of such property on said date. The owner and description of each residential unit property shall be that designated on the real property assessment roll maintained by the Property Appraiser of Palm Beach County

1 even though the Property Appraiser's Assessment Roll may not be current  
2 with regard to ownership. The annual collection special assessment shall  
3 be due and payable upon receipt of the initial special assessment billing  
4 notice. Unless otherwise provided herein, such special assessments shall  
5 become delinquent if not fully paid by the first day of April of each  
6 service year. Failure to receive any special assessment bill shall not  
7 relieve the obligation for payment thereof, but the Board may waive the  
8 payment of the costs of recording and satisfying any lien imposed as  
9 provided in Section 11 of this ordinance if the failure to receive this  
10 special assessment bill caused an unfair or undue burden or prejudiced  
11 the owner of the residential unit. However, those owners of residential  
12 units who may require equal quarterly installment payments of the special  
13 assessment, due to financial hardship must make arrangements for said  
14 installation payments prior to March 14 of each service year. There is  
15 hereby imposed a service charge of twenty (\$20.00) dollars to be applied  
16 against each owner of a residential unit who arranges payment on the  
17 aforescribed installment plan. The service charge of twenty (\$20.00)  
18 dollars shall be added to the total amount of the applicable special  
19 assessment amount and will be prorated with each equal quarterly  
20 installment payment. Prepayment of the annual collection special  
21 assessment by those owners of residential units who arrange payment on  
22 the aforescribed installment plan will not relieve the owner of the  
23 responsibility to pay the entire amount of the said twenty (\$20.00)  
24 dollar service charge. Each quarterly installment payment shall be due  
25 and payable on April 1, July 1, October 1, and January 1, respectively,  
26 of each service year. Each delinquent quarterly payment shall bear  
27 interest at the rate provided in Section 11 of this Ordinance and each  
28 delinquent quarterly payment shall constitute and is imposed as a lien  
29 against such residential units as of the date the Board approves a  
30 resolution containing the information provided in Section 11 of this  
31 Ordinance. Upon the failure of any owner of a residential unit to pay  
32 any quarterly installment payment due, or any part therefore, including  
33 applicable service charges, or any interest due thereon, the entire  
34 annual assessment shall become due and payable and subject to the  
35 enforcement provisions contained in Section 15 of the Ordinance. All

1 delinquent special assessments billed and collected by the Tax Collector  
2 or other Board designee shall bear interest at the rate of twelve percent  
3 (12%) per year on the due but unpaid principal portion of the special  
4 assessment, until fully paid. All delinquent annual special assessments  
5 imposed upon the owners of residential units under the provisions of this  
6 Ordinance becoming due and payable after October 1, 1984 shall constitute  
7 and are hereby imposed as liens against such residential units as of the  
8 date the Board approves a resolution containing the information  
9 hereinafter provided in this Section. Said annual collection special  
10 assessments shall remain liens equal in rank and dignity with the lien of  
11 the County ad valorem taxes and superior in rank and dignity to all other  
12 liens, encumbrances, titles and claims in and to or against the real  
13 property involved.

14         If any annual collection special assessment becomes delinquent,  
15 the Board, upon receipt of the list of outstanding and delinquent annual  
16 special assessments from the Tax Collector or other Board designee under  
17 the provisions of Section 12, shall, approve the resolution, described  
18 above in this Section containing the amount of the delinquent annual  
19 special assessment including all interest provided herein, a legal  
20 description of the residential units against which the lien is imposed  
21 and the name of the owner of such residential units as indicated on the  
22 real property assessment roll maintained by the Property Appraiser of  
23 Palm Beach County even though the Property Appraiser's assessment roll  
24 may not be current with regard to ownership. Said resolution shall be  
25 recorded in the public records of Palm Beach County, Florida, by the  
26 Board. Further, notice of the imposition of the lien on residential  
27 units pursuant to said resolution will be mailed by the Clerk of the  
28 Circuit Court acting as the Clerk to the Board to each owner of such  
29 residential units. The notice will contain the same information required  
30 in the resolution described herein imposing the lien. Upon payment and  
31 receipt of the list for paid or discharged lien or liens from the Clerk  
32 of the Circuit Court acting as the Clerk of the Board under the  
33 provisions of Section 12, the Board shall also record a resolution  
34 satisfying said lien or liens which shall be recorded in the Public  
35 Records of Palm Beach County, Florida, by the Board. Further, a notice

1 of satisfaction of said lien or liens pursuant to said resolution shall  
2 be mailed by the Clerk of the Circuit Court acting as the Clerk to the  
3 Board to each owner of such residential units. The notice will contain  
4 the same information required in the resolution described herein  
5 satisfying the lien.

6 Notwithstanding anything contained in this Ordinance to the  
7 contrary, the service billing period for garbage and waste collection and  
8 disposal commencing on April 1, 1987 shall end on October 31, 1987. All  
9 special assessments and service charges that are billed for this period  
10 only shall become delinquent May 1, 1987 or within fifteen (15) days from  
11 the mailing of the original special assessment and service charge bill,  
12 whichever is later. All service charges billed for less than the full  
13 six (6) month billing period shall also be due within fifteen (15) days  
14 of the billing of said service charge. No quarterly installments of  
15 either the special assessments or service charges will be allowed during  
16 this billing period. All other provisions of this Ordinance, relative to  
17 the annual special assessment or service charge collection procedures,  
18 are hereby modified or supplemented, if necessary, to conform herewith  
19 but in all other respects are to be and shall continue in full force.

20 Part II - REPEAL OF LAWS IN CONFLICT

21 All local laws and ordinances applying to the unincorporated  
22 area of Palm Beach County in conflict with any provisions of this  
23 ordinance are hereby repealed.

24 Part III - SEVERABILITY

25 If any section, paragraph, sentence, clause, phrase, or word of  
26 this ordinance is for any reason held by the Court to be  
27 unconstitutional, inoperative or void, such holding shall not affect the  
28 remainder of this ordinance.

29 Part IV - INCLUSION IN THE CODE OF LAWS AND ORDINANCES

30 The provisions of this ordinance shall become and be made a  
31 part of the code of laws and ordinances of Palm Beach County, Florida.  
32 The Sections of the ordinance may be renumbered or relettered to  
33 accomplish such, and the word "ordinance" may be changed to "section,"  
34 "article," or any other appropriate word.

Part V - PENALTIES:

Violations of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by fine not to exceed fine hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed six (60) days or by both fine and imprisonment.

Part VI - EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 28 day of April, 1987.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By *Carol A. [Signature]* Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*[Signature]*  
County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 6th day of May, 19 87.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 11th day of May, 19 87, at 4:55 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, Ex-officio Clerk of the  
Board of County Commissioners certify this to  
be a true and correct copy of the original filed in  
my office on 4/28/87  
DATED at West Palm Beach, FL on 5/15/87.  
JOHN B. DUNKLE, Clerk  
By: *[Signature]* D.C.  
*Deputy Clerk*